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SENATE

REPORT
No. 97-522

U.S. GOALS FOR UPCOMING CONSULTATIONS WITH THE SOCIALIST REPUBLIC OF ROMANIA

AUGUST 13 (legislative day, JULY 12), 1982.—Ordered to be printed

Mr. DOLE, from the Committee on Finance,
submitted the following

REPORT

[To accompany S. Res. 445]

The Committee on Finance reports favorably an original resolution with respect to the goals of the United States regarding consultations to be held in September, 1982, with the Socialist Republic of Romania concerning certain emigration and human rights matters and recommends that the resolution do pass.

I. SUMMARY

On June 2, 1982, the President exercised his authority to extend for 12 months the existing waiver of the freedom of emigration requirements of the Trade Act of 1974 with respect to the Socialist Republic of Romania, the Hungarian People's Republic, and the People's Republic of China. In his message accompanying the notification of extension, however, the President noted that he was "gravely concerned about the Romanian Government's failure to improve its repressive emigration procedures." In addition, in a hearing held on August 10, 1982, the Committee on Finance received testimony on the suppression of rights of certain religious groups and ethnic minorities. Consultations between the Government of the United States and the Socialist Republic of Romania with respect to these matters are currently scheduled for September 1982. S. Res. 445 would express the sense of the Senate that the United States should seek credible assurances that the Socialist Republic of Romania will review and take steps with respect to certain emigration procedures in those consultations. Further, the resolution states that continued harassment and persecution of religious groups and ethnic minorities

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in Romania contravenes the provisions of the Helsinki Final Act as well as fundamental human rights and freedoms and that the Government of the United States should pursue these matters with the Romanian Government in appropriate international fora, including the Conference on Security and Cooperation in Europe.

II. Background

On June 2, 1982, the President exercised his authority to extend for 12 months the existing waiver of the freedom of emigration requirements of the Trade Act of 1974 with respect to the Socialist Republic of Romania, the Hungarian People's Republic, and the People's Republic of China. Section 402 of the Trade Act of 1974 prohibits the granting by the United States of most-favored-nation trade treatment to any nonmarket economy (Communist) country under section 404 of the Trade Act if that country does not permit its citizens to emigrate. The provision of U.S. Government credits or investment guarantees to, as well as the conclusion of a commercial agreement with, any such country also is prohibited on the same basis. Section 402 permits the President to waive the prohibitions for all or any country if he determines that doing so will promote freedom of emigration.

The President's recommendation of June 2, 1982, set in motion a schedule of procedures by which the Congress may either terminate, by adoption of a simple resolution of either House, or permit by inaction the extension of the authority by which the President may waive the requirement of freedom of emigration for any nonmarket economy country. The waiver authority may be terminated generally or with respect to particular countries, e.g., Romania, Hungary, and the PRC. The deadline for congressional action is September 1, 1982. If Congress takes no action, the waiver authority, and its specific exercise with respect to Romania, Hungary, and the PRC, is automatically extended through July 2, 1983.

As in the past years, serious complaints regarding emigration have been raised only with respect to Romania. On July 16, 1982, Senate Resolution 428 was introduced and referred to the Committee on Finance. This resolution would prohibit the extension of the waiver authority with respect to that country.

The administration, as well as representatives of a number of concerned business and religious groups, testified at the August 10, 1982 hearing that while there are serious emigration and human rights problems in Romania, the Congress should not overturn the President's decision to extend most-favored-nation status for Romania. Taking account the overall human rights situation in Romania, other witnesses testified against extension. After considering all the testimony, the committee took no action on S. Res. 428. Instead, the committee adopted a sense of the Senate resolution that will not affect the President's determination. It does, however, recommend certain U.S. Government action with respect to the serious matters that have been raised. The sense of the Senate resolution reported by the committee does not deal with the extension itself but does set forth concerns with respect to the serious matters which have been raised.

COMMITTEE RESOLUTION

The resolution in the "whereas" clauses recites the relationship of Romanian emigration policies to that country's most-favored-nation status; the reports of continuing difficulties in emigrating from Romania; the harsh treatment of its religious groups and ethnic minorities; the international commitments to basic human rights jointly shared by the United States and Romania; and the fact that the U.S. Government will enter into discussions with the Romanian Government this September concerning problems with Romanian emigration procedures.

The initial "resolved" clause expresses the sense of the Senate concerning what the administration should seek in those discussions with the Romanian Government. Four difficulties with the current emigration approval process are addressed: (1) their complexity; (2) the clear correlation between consideration of applications and the status of MFN renewal in the Congress, so that most approvals come in May–July of each year; (3) the preapplication procedures and waiting periods that were introduced only in 1975, after the Jackson-Vanik amendment became law and Romania sought MFN treatment; and (4) the large backlog of pending applications. Improvements in the emigration procedures will not necessarily affect the number of emigrants coming into the United States from Romania, because that level is set by U.S. immigration law. However, those approved may go to Israel, West Germany, or other countries. The Jackson-Vanik amendment only addresses the general right of emigration; it does not affect the level of emigration to the United States.

The second "resolved" clause addresses the question of Romanian repression of the religious groups and ethnic minorities. These issues raise more general human rights concerns that are not the subject of the President's determination under the Jackson-Vanik amendment to renew MFN for any country. Therefore, the resolution urges the administration to take up this issue in international fora that are concerned with human rights issues. In particular, because the provisions of the Helsinki Final Act may apply to the issue of these minorities' rights, the resolution urges the administration to bring the matter up in the Conference on Security and Cooperation in Europe, the Helsinki Final Act oversight group.

ESTIMATED REVENUE IMPACT

The resolution will have no revenue impact.

III. Vote of the Committee in Reporting the Resolution

In compliance with paragraph 7(c) of the rule XXVI of the Standing Rules of the Senate, the following statement is made relative to the vote by the committee to report the resolution: The resolution was ordered favorably reported without objection.

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